

Revised: March 8, 2018

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		:
HEATHER BEARDEN		:
	Plaintiff(s),	:
		:
	-against-	:
		:
SPON, INC.,		:
	Defendant(s).	:
-----X		:

No. 21-cv-9252 (JPO) (OTW)

MEMO ENDORSED

REPORT OF RULE 26(f) MEETING AND ~~PROPOSED~~ CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties spoke on February 28, 2022 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues Plaintiff: Plaintiff was employed with

Defendant from on or about November 4, 2019 through October 2020. Throughout her employment she was subjected to discrimination and retaliation based on her race and sexual orientation both by Defendant's electronic application users and employees. Defendant disregarded Plaintiff's complaints, which culminated in a constructive discharge.

Defendant:

Defendant denies that Plaintiff was discriminated or retaliated against in any way. Plaintiff was hired in November 2019 and exhibited poor performance throughout her relatively short tenure with Defendant. Although she was coached on this performance, Plaintiff was never issued any disciplinary warnings. In or about January 2020, Plaintiff complained that she was offended by a "spirit animal" quiz sent by one of her colleagues. Plaintiff's colleagues immediately apologized to Plaintiff. Finally, despite Plaintiff's claims to the contrary, Citizen monitors users' comments and does not tolerate discrimination or harassment of any kind. Plaintiff voluntarily resigned from her position in October 2020.

2. Basis of Subject Matter Jurisdiction: _____

Revised: March 8, 2018

3. **Subjects on Which Discovery May Be Needed** Plaintiff: Plaintiff intends to request discovery related to Plaintiff's complaints of discrimination, promotion of Plaintiff's white heterosexual counterparts, discriminatory comments from electronic application users and employees published over electronic platforms, and Plaintiff's personnel file.

Defendant:

Defendant intends to request discovery related to Plaintiff's complaints of discrimination, alleged emotional distress and her mitigation efforts to date.

4. **Informal Disclosures**

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Plaintiff(s) on N/A. In addition, on N/A, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on N/A. In addition, on N/A, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

5. **Formal Discovery**

The parties jointly propose to the Court the following discovery plan:

a. All fact discovery must be completed by August 1, 2022.

b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

Revised: March 8, 2018

provided that the parties meet the deadline for completing fact discovery set forth in 3(a) above.

- i. Depositions: Depositions shall be completed by July 1, 2022 and limited to no more than 3 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before March 10, 2022. All subsequent interrogatories must be served no later than 30 days before the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before June 1, 2022.
- iv. Requests for Production: Initial requests for production were/will be exchanged on March 10, 2022 and responses shall be due on April 11, 2022. All subsequent requests for production must be served no later than 30 days before the discovery deadline.
- v. Supplementation: Supplementations under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

N/A

7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? No.
- b. Last date to amend the Complaint: March 4, 2022

Revised: March 8, 2018

8. Expert Witness Disclosures

At this time, the parties do/do not (circle one) anticipate utilizing experts. Expert discovery shall be completed by _____.

9. Electronic Discovery and Preservation of Documents and Information

a. Have the parties discussed electronic discovery? _____ No.

b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? _____

c. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

No. _____

10. Anticipated Motions

Defendant anticipates filing a motion for summary judgment after the close of discovery.

11. Early Settlement or Resolution

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than _____. The following information is needed before settlement can be discussed:

The Parties are participating in the Southern District's mediation program for counselled employment discrimination cases and have exchanged their pilot production pursuant to the Initial Discovery Protocols.

12. Trial

a. The parties anticipate that this case will be ready for trial by December 1, 2022.

Revised: March 8, 2018

b. The parties anticipate that the trial of this case will require 5 days.

c. The parties do do not (circle one) consent to a trial before a Magistrate Judge at this time.

d. The parties request a jury/bench (circle one) trial.

13. **Other Matters**

Respectfully submitted this 28 day of

February, ATTORNEYS FOR PLAINTIFF(S): ATTORNEYS FOR DEFENDANT(S):
Darnisha A. Lewis-Bonilla [Signature]
Darnisha A. Lewis-Bonilla

SO ORDERED. The initial case management conference scheduled tomorrow, March 9, 2022, is adjourned *sine die*. The parties are directed to submit a joint status letter on **April 15, 2022**.

[Signature]

Ona T. Wang
United States Magistrate Judge

03/08/2022